

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

MICHAEL WASHINGTON,	)	
	)	
Plaintiff,	)	Civil Action No.: 6:19-cv-111
	)	
v.	)	
	)	
ACAC, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF’S COMPLAINT**

Plaintiff, MICHAEL WASHINGTON (“Plaintiff”), through his attorney, SCOTT, VICKNAIR, HAIR & CHECKI, LLC, alleges the following against Defendant, ACAC, INC. (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337, 1367, and 47 U.S.C. § 227.

3. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

**PARTIES**

4. Plaintiff is an individual residing in New Iberia, Louisiana, and is a person as defined by 47 U.S.C. § 153.

5. Defendant is a Delaware Corporation, doing business in Louisiana, and is a person as defined by 47 U.S.C. § 153.

### **FACTUAL ALLEGATIONS**

6. In or around July of 2018, Defendant began calling Plaintiff on Plaintiff's cellular telephone.

7. Plaintiff never provided consent, express or otherwise, to receive calls from Defendant.

8. Upon answering calls from Defendant, Plaintiff was met with a prerecorded message.

9. Plaintiff called Defendant and told them to stop calling, revoking any consent Defendant may have believed it had to call Plaintiff.

10. When Plaintiff called Defendant, Defendant's representative told Plaintiff Defendant should not be calling him.

11. Despite Plaintiff's demand and Defendant's admission that it should not be calling Plaintiff, Defendant continued to call Plaintiff.

12. Defendant's calls were placed using a prerecorded or artificial voice message.

13. Based on the nature and frequency of the calls, upon information and belief, these calls were placed via an Automatic Telephone Dialing System ("ATDS").

14. Defendant's calls were not placed for emergency purposes.

15. Defendant knowingly and intentionally called Plaintiff via an ATDS and with an artificial or prerecorded voice without Plaintiff's consent.

### **VIOLATIONS OF THE TCPA**

16. The preceding paragraphs are incorporated as if fully stated herein.

17. Defendant is liable under 47 U.S.C. § 227(b)(1) for placing ATDS and prerecorded or artificial voice calls to Plaintiff's cellular phone without consent.

18. These calls were made knowingly and willfully.

### **DEMAND FOR JURY TRIAL**

19. Plaintiff hereby demands a trial by jury.

### **PRAYER FOR RELIEF**

Plaintiff respectfully requests that judgment be entered in Plaintiff's favor and against Defendant, including the following relief:

1. An injunction requiring Defendant to cease all calls to Plaintiff.
2. Statutory damages of \$1,500 per call for Defendant's willful violations of the TCPA.
3. Statutory damages of \$500 per call for Defendant's negligent violations of the TCPA.
4. All costs and attorney's fees incurred by Plaintiff.
5. Any other relief that this Court deems appropriate.

Dated: January 30, 2019

Respectfully submitted,

/s/ Samuel J. Ford

Samuel J. Ford, Esq., Bar Roll No. 36081

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